

WILLIAM J. PENNINGTON III

ATTORNEY AT LAW

P.O. BOX 403
WESTFIELD, MA 01086-0403

PHONE/FAX: (413) 562-3341

ADMITTED IN
SOUTH CAROLINA
NORTH CAROLINA

PRACTICE LIMITED TO
MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

March 12, 1997

VIA FEDERAL EXPRESS

DOCKET FILE COPY ORIGINAL

RECEIVED
MAR 13 1997
FCC

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

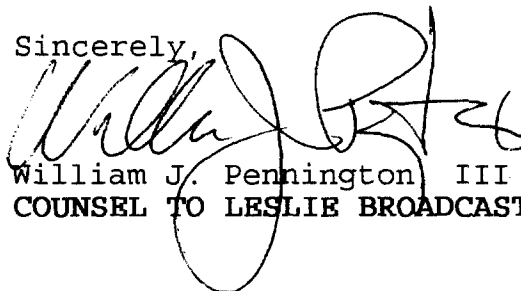
RE: Comments and Counterproposal in MM Docket No. 97-32;
RM-8931; Calico Rock, Arkansas.

Dear Mr. Caton:

Transmitted herewith, on behalf of Leslie Broadcasters, is an original and four (4) copies of Comments and Counterproposal in the above-captioned rule making proceeding.

Should there be any questions regarding this matter please do not hesitate to contact the undersigned.

Sincerely,



William J. Pennington III
COUNSEL TO LESLIE BROADCASTERS

Enc.
cc: Certificate of Service

No. of Copies rec'd
List ABCDE

024

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 97-32
Table of Allotments) RM-8931
FM Broadcast Stations)
(Calico Rock, Arkansas))

Directed to: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS AND COUNTERPROPOSAL OF LESLIE BROADCASTERS

Leslie Broadcasters (hereinafter "LB"), through counsel, hereby submits its comments and counterproposal in the above-captioned rule making proceeding. It is counterproposed that FM Channel 246C2 be allotted to Leslie, Arkansas as its first local FM broadcast service. In support whereof the following is shown:

1. The petitioner in this proceeding, Sugarloaf Broadcasting, has sought the allocation of Channel 246A to Calico Rock, Arkansas as a first local FM broadcast service.

2. LB counterproposes the use of Channel 246C2 to Leslie as a first local FM service. Exhibit 1 is a channel spacing study which shows that Channel 246C2 may be allocated to Leslie with a site restriction of 14.2 kilometers east of the community. Exhibit 2 shows that from this location a Class C2 facility operating with maximum facilities would easily place a 70 dBu service contour

completely over the community of Leslie.

3. Leslie, an incorporated community in Searcy County, had a 1990 population of 446 persons. Searcy County had a 1990 population of 7,841 persons.

4. The application of the Commission's FM allotment priorities and policies to the communities of Calico Rock and Leslie demonstrates that the counterproposal outlined herein will result in a preferential arrangement of allotments. See, Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 92 (1982). Neither proposed allocation would not provide (1) first aural service, or (2) second aural service. Both proposed allotments would provide (3) a first local service. LB submits that since both proponents are equal on the first three priorities that the Commission must look at priority number four, other public interest matters. An evaluation of this criteria shows that from the proposed allotment site, a new station at Leslie, operating with full Class C2 facilities, would have 63,980 persons within its 60 dBu service contour while station operating with full Class A facilities at the Calico Rock allotment site coordinates would have just 17,297 persons within its 60 dBu service contour. The difference in population that would be served is substantial and can not be denied. Furthermore, the use of Channel 246 at Leslie, with Class C2 facilities, represents a more efficient use of the spectrum. For these reasons the Commission must allot Channel 246C2 to Leslie over Channel 246A at Calico Rock.

5. Should the Commission allot Channel 246C2 to Leslie, LB

will file an application seeking a construction permit to build the new station. If granted the construction permit, LB will immediately construct the new facility.

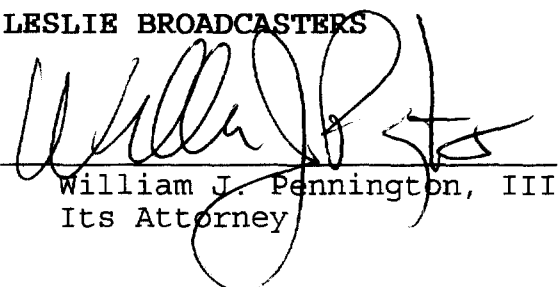
6. In sum, it is requested that the Commission make the following change in the Table of FM Allotments:

ALLOTMENTS		
<u>COMMUNITY</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Leslie, Arkansas	None	246C2

WHEREFORE, based on the foregoing, Leslie Broadcasters respectfully request that the Commission allot Channel 246C2 as a first FM service to Leslie, Arkansas.

Respectfully submitted,

LESLIE BROADCASTERS



William J. Pennington, III
Its Attorney

William J. Pennington, III
Attorney at Law (NC & SC BARS ONLY)
Post Office Box 403
Westfield, LA 01086
(413) 562-3341

March 12, 1997

CHANNEL SPACING STUDYLESLIE, ARKANSAS

ALLOCATION POINT AS A C2

REFERENCE

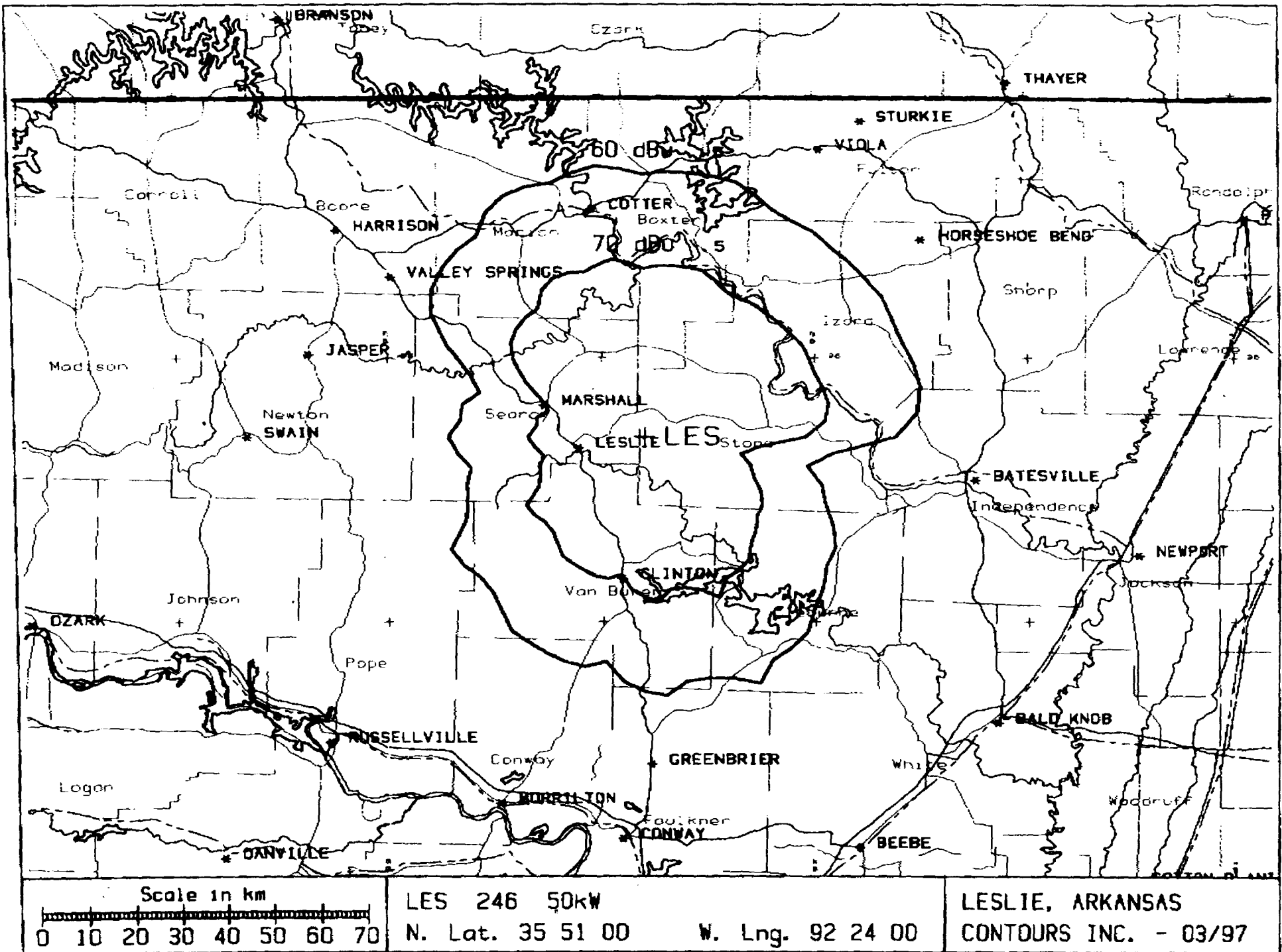
35 51 0 N
 92 24 0 W

CLASS C2

----- CHANNEL 246 - 97.1 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
AD246	246A	Calico Rock	AR	40.2	33.93	166.0	-132.07	*
AP245	245A	Maumelle	AR	179.3	105.81	106.0	-0.19	* /1
KXUS	247C1	Springfield	MO	339.4	158.42	158.0	0.42	<
WHRK	246C1	Memphis	TN	108.0	224.83	224.0	0.83	<
CP245	245A	Maumelle	AR	176.4	113.26	106.0	7.26	
KXOZ	245C2	Mountain View	MO	23.2	137.80	130.0	7.80	
KMMY	246C	Muskogee	OK	257.1	281.22	249.0	32.22	
KABKFM	249C2	Augusta	AR	123.3	94.80	58.0	36.80	
KOKR.C	244C2	Newport	AR	114.7	96.01	58.0	38.01	
KDEWFM	247C2	De Witt	AR	150.8	180.29	130.0	50.29	
KAMDFM	246C2	Camden	AR	188.9	254.09	190.0	64.09	
KDEWFM	247C2	De Witt	AR	155.2	200.73	130.0	70.73	

/1 THIS IS A DEMINIMIS SHORT SPACING.



LESLIE, ARKANSAS
CONTOURS INC. - 03/97

COMPARISON OF POPULATION SERVED

CHANNEL 246A
CALICO ROCK, ARKANSAS
ALLOCATION POINT
NL 36-05-01
WL 92-09-26

Contour= 60 dBu F(50,50)

State	Total
AR	17,297

Total	17,297

CHANNEL 246C2
LESLIE, ARKANSAS
ALLOCATION POINT
NL 35-51-00
WL 92-24-00

Contour= 60 dBu F(50,50)

State	Total
AR	63,980

Total	63,980

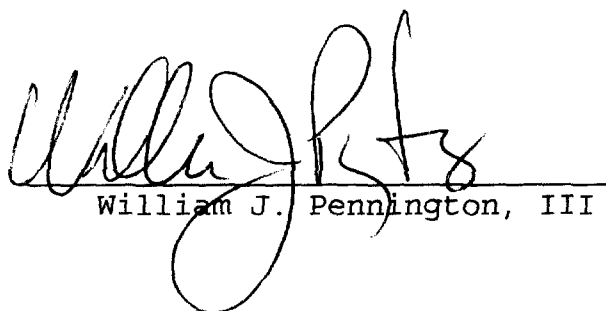
*Population figures derived from the 1990 US Census.

CERTIFICATE OF SERVICE

I certify that the Comments and Counterproposal of Leslie Broadcasters were mailed first class, postage prepaid, on March 12, 1997 to the following:

Henry E. Crawford, Esq.
Law Offices of Henry E. Crawford
1150 Connecticut Avenue, N.W.
Suite 900
Washington, DC 20036

COUNSEL TO SUGARLOAF BROADCASTING



William J. Pennington, III